

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

CITY OF PALESTINE, TEXAS,

Defendant.

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Civil Action No. 6:06CV141

CONSENT DECREE

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC"), and Defendant, City of Palestine, Texas ("Palestine"). This Consent Decree resolves the allegations raised by the EEOC in the above-referenced Civil Action No. 6:06CV141. The EEOC initiated this lawsuit under the Age Discrimination in Employment Act of 1967, to correct unlawful employment practices on the basis of age and to provide appropriate relief to Charles S. Petrovich, Jr., who was adversely affected by such practices.

The EEOC and Palestine wish to settle this action, without the risks, uncertainties and expenses of continued litigation, under the terms in the Decree.

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of this action and the parties, venue is proper, and all administrative prerequisites to the EEOC's filing of this action have been met. The parties stipulate to the Court's jurisdiction.

2. This Decree is entered in full and complete settlement of all claims contained in

this lawsuit. EEOC expressly reserves its right to process and litigate any other charges (other than EEOC Charge No. 310-2005-02181) against Palestine, which may now be pending or may in the future be filed against Palestine.

3. The duration of this Decree shall be three (3) years from the date of its filing with the Court. This Court shall retain jurisdiction of this action during the period of this Decree and may enter further orders or modifications as may be appropriate. Should any disputes under this Decree remain unresolved after this three-year period, the term of the Decree shall be automatically extended, and the Court will retain jurisdiction of this matter to enforce the Consent Decree, until such time as all disputes have been resolved.

4. During the three-year term that the Court retains jurisdiction to enforce the terms of this Consent Decree, Palestine shall be enjoined from engaging in age-based employment discrimination directed at individuals 40 years of age and older.

5. Within 20 days of the entry of this Consent Decree, Palestine, in settlement of this dispute, shall pay to Charles S. Petrovich, Jr., the sum total of \$40,000 (FORTY THOUSAND DOLLARS). Payment shall be mailed directly to Charles S. Petrovich, Jr. at 191 FM 1137, Palestine, Texas 75801. A copy of the settlement check and any accompanying transmittal documents shall be forwarded to the EEOC to the attention of Robert B. Harwin, Associate Regional Attorney, 5410 Fredericksburg Rd., Suite 200, San Antonio, Texas 78229.

6. Within 90 days of the date of entry of this Consent Decree, the City of Palestine Police Department's management officials and employees with authority to promote, terminate or demote employees shall participate in EEO training of not less than 6 hours. The training shall: (a) define and identify the types of age-based employment decisions which are unlawful; (b) instruct when age-based selection, promoting, terminating and/or demoting criteria is

unlawful; and (c) explain the damaging effects age-based employment discrimination has on individuals. The training shall be conducted by Lance Vincent, RITCHESON, LAUFFER, VINCENT & DUKES, or another attorney approved by the EEOC.

7. Palestine shall make no mention of the filing of this Complaint or the underlying charge filed by Charles S. Petrovich, Jr. Palestine, in furnishing oral or written references concerning Charles S. Petrovich, Jr. to prospective employers, shall (a) provide a neutral reference letter, or (b) state orally the information contained in the neutral reference letter. Palestine shall make no reference to matters arising under or relating to any charges of employment discrimination. This provision shall survive the expiration of the Decree.

8. Within ten (10) business days after entry of this Decree, Palestine shall post copies of the Notice attached as Exhibit "A" to this Decree at its facility in a conspicuous location easily accessible to and commonly frequented by employees. The Notice shall remain posted for the duration of this Decree. Palestine shall ensure that the posting is not altered, defaced or covered by any other material. Palestine shall certify to the EEOC in writing within ten (10) business days after entry of the Decree that the Notice has been properly posted. Subject to 72 hours notice to Palestine's management, Palestine shall permit a representative of EEOC to enter Palestine's premises for purposes of verifying compliance with this Paragraph.

9. Palestine shall bear the costs associated with administering and implementing the provisions of this Decree.

10. Furthermore, the parties agree that pursuant to Section 706(k) of Title VII, 42 U.S.C. § 2000e-5(k), there is no "prevailing party" in this action or proceeding.

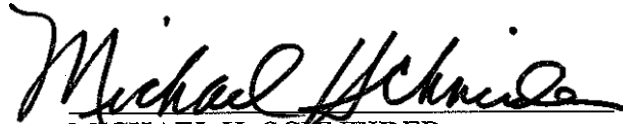
11. The terms of this Decree shall be binding upon the EEOC and Palestine its agents, officers, employees, servants, successors, and assigns, as to the issues resolved herein.

12. When this Consent Decree requires the submission by Palestine of documents or

Consent Decree

other materials to EEOC, such documents or other materials shall be mailed to Robert B. Harwin, Associate Regional Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229. The Clerk shall furnish a copy hereof to each attorney of record.

SO ORDERED AND ENTERED this 26 day of February, 2007.



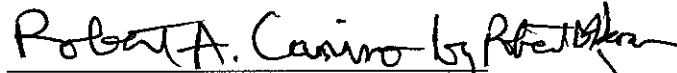
MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

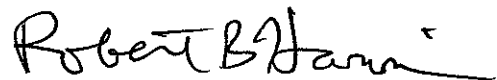
RONALD S. COOPER
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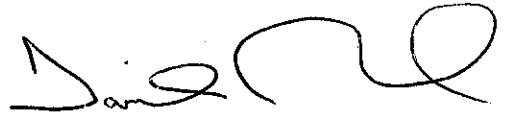
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ATTORNEYS FOR DEFENDANT



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EQUAL EMPLOYMENT

OPPORTUNITY COMMISSION

San Antonio Field Office

5410 Fredericksburg Road, Suite 200

San Antonio, TX 78229-3555

Telephone: (210) 281-7619

Facsimile: (210) 281-7669

ATTORNEYS FOR PLAINTIFF

EXHIBIT A

NOTICE TO ALL EMPLOYEES

CITY OF PALESTINE, TEXAS IS FIRMLY COMMITTED TO TREATING EMPLOYEES AND APPLICANTS FOR EMPLOYMENT ACCORDING TO MERIT WITHOUT REGARD TO THEIR AGE. CITY OF PALESTINE, TEXAS WILL NOT TOLERATE DISCRIMINATION WHICH VIOLATES STATE OR FEDERAL LAWS OR LOCAL ORDINANCES, INCLUDING DEMOTING, PROMOTION AND/OR TERMINATING EMPLOYEES ON ACCOUNT OF THEIR AGE, RACE, COLOR, CREED/RELIGION, SEX, NATIONAL ORIGIN, DISABILITY AND/OR ANY OTHER PROTECTED CATEGORY.

IF ANY EMPLOYEE BELIEVES HE OR SHE HAS BEEN DISCRIMINATED AGAINST, THE EMPLOYEE SHOULD IMMEDIATELY NOTIFY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 5410 FREDERICKSBURG ROAD, SUITE 200, SAN ANTONIO, TEXAS 78229 (210-281-7600 OR 1-800-669-4000).

CITY OF PALESTINE, TEXAS WILL TAKE APPROPRIATE CORRECTIVE ACTION, UP TO AND INCLUDING TERMINATION, BASED ON THE CIRCUMSTANCES INVOLVED, AGAINST ANY EMPLOYEE WHO VIOLATES CITY OF PALESTINE, TEXAS' POLICIES AGAINST DISCRIMINATION.